

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

DAVID HUNTER
(ID 2159-15),

Petitioner,

V.

No. 3:15-CV-2722-D

SHERIFF JOHNNIE BROWN,

Respondent.

ORDER

After making an independent review of the pleadings, files, and records in this case, and the August 21, 2015 findings, conclusions, and recommendation of the magistrate judge, the court concludes that the findings and conclusions are correct. It is therefore ordered that the findings, conclusions, and recommendation of the magistrate judge are adopted.

Petitioner's September 11, 2015 motion for settlement negotiations and his September 15, 2015 motion for judgment on the pleading are denied.

Petitioner's August 20, 2015 motion for leave to proceed *in forma pauperis* in the district court is granted. Considering the record in this case, however, and pursuant to Fed. R. App. P. 22(b), Rule 11(a) of the Rules Governing §§ 2254 and 2255 proceedings, and 28 U.S.C. § 2253(c), the court denies a certificate of appealability. The court adopts and incorporates by reference the magistrate judge's findings, conclusions, and recommendation filed in this case in support of its finding that the

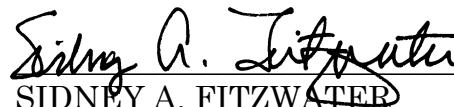
petitioner has failed to show (1) that reasonable jurists would find this court's "assessment of the constitutional claims debatable or wrong," or (2) that reasonable jurists would find "it debatable whether the petition states a valid claim of the denial of a constitutional right" and "debatable whether [this court] was correct in its procedural ruling." *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

If petitioner files a notice of appeal,

- () petitioner may proceed *in forma pauperis* on appeal.
 (X) petitioner must pay the \$505.00 appellate filing fee or submit a motion to proceed *in forma pauperis*.

SO ORDERED.

September 17, 2015.



SIDNEY A. FITZWATER
UNITED STATES DISTRICT JUDGE